IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1913 OF 2007

Muniwar Abad Charitable Trust .. Petitioner.
Vs.
The President, Maharashtra
Slum Area (I.C.& R.)
Tribunal & Ors. .. Respondents.

Mr.T.N.Subramaniam i/b P.R.Kadam for the petitioner.
Mr.R.R.Tiwari for respondent no.3.

CORAM : D.B.BHOSALE, J.
DATED : 24TH SEPTEMBER, 2007.

P.C.:

. Heard learned counsel for the parties.

2. Mr.Subramaniam, learned counsel for the petitioners submits that the petitioners will be satisfied if it is made clear that by allowing an application filed by respondent no.3 for his impleadment as a party in the appeal filed by the petitioners shall not be construed to have admitted rights of the respondent in the suit property and he would only be allowed to oppose the prayers in the appeal. In the appeal, the petitioner has impugned the notification under section 4(3) of the Maharashtra Slum Area (Improvement, Clearance & Redevelopment) Act, 1971. Mr.Tiwari, learned counsel for respondent no.3 fairly stated that the rights of

respondent no.3 shall be adjudicated in the civil proceedings which is pending in the Civil Court and he would be satisfied if he is allowed to oppose the prayer in the appeal filed by the petitioner before the Maharashtra Slum Areas (I.C.& R) Tribunal. After having considered the submissions of learned counsel for the parties I am satisfied that the following order shall meet the ends of justice:

(i) The writ petition is disposed of as not pressed.

(ii) The impugned order, by which respondent no.3 is allowed to be impleaded as necessary party in the appeal, shall not be construed to have recognised his right in the suit property and he would be allowed to only oppose the prayer in the appeal filed by the petitioner before the Maharashtra Slum Areas (I.C.&R), Tribunal.

. With these observations the writ petition is disposed of.

(D.B.BHOSALE, J.)